

ASSEMBLY, No. 2214

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED FEBRUARY 7, 2022

Sponsored by:
Assemblyman LOUIS D. GREENWALD
District 6 (Burlington and Camden)

SYNOPSIS

Authorizes expenditures from open space trust funds to develop or maintain recreation and conservation land although the land was not acquired by the municipality.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT expanding the eligible use of amounts raised for open
2 space purposes and supplementing P.L.1997, c.24 (C.40:12-15.1
3 et seq.).
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
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8 1. Notwithstanding the provisions of section 7 of P.L.1997,
9 c.24 (C.40:12-15.7) to the contrary, the governing body of any
10 municipality, the voters of which have approved a proposition
11 authorizing the imposition of an annual levy for the development or
12 maintenance of lands acquired for recreation and conservation
13 purposes, may, by adoption of an ordinance, appropriate and expend
14 amounts raised by the levy for the purpose of developing or
15 maintaining other land devoted to recreation and conservation
16 purposes, whether such land is owned by the municipality or
17 another public entity, so long as the land is located within the
18 municipality and the improvements will inure to the benefit of the
19 residents of the municipality.
20

21 2. This act shall take effect immediately.
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24 STATEMENT 25

26 This bill would authorize municipalities, by adoption of an
27 ordinance, to appropriate and expend amounts raised through an
28 annual levy imposed for the development or maintenance of lands
29 acquired for recreation and conservation purposes for the purpose of
30 developing or maintaining other land devoted to recreation and
31 conservation purposes, whether such land is owned by the
32 municipality or another public entity, so long as the land is located
33 within the municipality and the improvements will inure to the
34 benefit of the residents of the municipality.

35 Under current law, imposition of an “open space tax” must be
36 authorized by adoption of voter referendum. A recent court
37 decision has indicated that moneys raised from this open space tax
38 for the development or maintenance of lands acquired for recreation
39 and conservation purposes cannot be appropriated and expended by
40 a municipality to improve public school fields located within the
41 municipality, because the school property was not “acquired” by the
42 municipality.

43 Under this bill, municipalities will be authorized to expend
44 “open space tax” revenues to develop and maintain other land
45 devoted to recreation and conservation purposes, whether the land
46 is owned by the municipality or another public entity, so long as the
47 land is located within the municipality and the improvements will
48 inure to the benefit of the residents of the municipality, despite the

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- 1 provisions of current law or the constraints of a voter referendum
- 2 that may have limited expenditures from such revenues to lands
- 3 acquired by the municipality.